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Change of Use or Occupancy



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www.Portland.gov/BDS

There are several things to know if you plan to change how you use a building (also called “changing the use” or changing the occupancy of a building).

In a change of use or occupancy, everything is subject to the City zoning code. For example, an old house turning into an office building must follow life safety code requirements (for example, emergency exits) required for a new office building.

Before you consider buying, renting or leasing a site for your business, please contact the Development Services Center to talk with staff. We can help you find out if:

- the proposed use is allowed at the location
- you need to know about additional building or zoning requirements
- You need to pay Systems Development Charges (fees charged to offset impact on the City’s infrastructure) for the property.

Change of use or occupancy- definition

Every building is given an occupancy classification when it is built. Each classification has different building code requirements. The requirements relate to the type of hazard or uses in the building.

A change of occupancy is a change in the building’s use that places the building in a different division of the same group of occupancies or in a different group of occupancies. For example, an office building may become a day care center or a store. Another less obvious example of a change of occupancy is when a restaurant that has seating for less than 50 wants to increase the number of seats to 50 or more.

A change of use is a change in the building’s use within the same occupancy, but increases the building’s occupant ‘load’ (number of people allowed in the building at the same time) or other factors that may have different building code requirements. For example, a change from an office to a café is a change within the same occupancy classification, but is a change of use because the occupant load is increased.

The legal use or occupancy classification of the building may not be consistent with its most recent actual use. That means that a permit may be required to document the change of use or occupancy even if you don’t plan to make any changes to the building or plan to change how the building is currently being used.

A change of use or occupancy as discussed above applies to the use of the building as defined by the building code. However, changes of use or occupancy may also trigger different zoning code requirements, and affect how Systems Development Charges (SDCs) are assessed. Keep reading to learn more about these requirements.

Permit required for change of use or occupancy

A change of use or occupancy requires a permit. A permit is required to document a change of use or occupancy classification of a building, even where no alterations are planned or required by the code. For help researching existing permitted occupancy classifications of a building, please see: www.portland.gov/bds/development-permit-processes/step-1-research.

Time it takes to get a change of use permit

The time it takes to get a permit can vary. A simple change of use or occupancy requiring no type of waiver or appeal may go through the permitting system in the standard timeframe, with goals of approximately four weeks for first review. We need more time to review responses to requests for corrections (or “checksheets”).

If you need special zoning approvals or if there is complicated building history, it may take several months to get a permit. Keep the process simple by sending us a clear building code summary showing any deficiencies and how they will be addressed. And, respond to requests from staff for information as quickly and comprehensively as possible.

Permits and costs depend on project scope

The type and number of permits you need depends on the scope of your project. We based most permit fees on the valuation of your project. For an estimate of permit fees, please use the online fee calculator at www.portland.gov/bds/building-permit-estimates, or consult the BDS Fee Schedules on our website: www.portland.gov/bds/current-fee-schedules.

Considerations for a change of use or occupancy

The following table provides an overview of different requirements to consider when planning for a change of use or occupancy. Find more details about the requirements below the table.

| SCOPE OF WORK | CODE CONSIDERATIONS |
|--|--|
| Change of use or occupancy of a building | Current code requirements must be met, including addressing accessibility for new work and removing existing barriers, potential seismic upgrades, potential addition of sprinkler systems, and others. |
| Change of use or occupancy of a building in certain locations | May require parking, bike parking, pedestrian amenities and landscaping depending on use and location of property within certain zones. |
| Alterations with a value over a certain amount specified in the zoning code | May require upgrades to elements of the site including bike parking, pedestrian connections, pedestrian amenities, landscaping and screening depending on use and location of property within certain zones. |
| Alterations to exterior | May require Design Review or Historic Resource Review (land use review) in certain locations or for designated historic buildings. |
| Change that causes an increase of customers, traffic and/or use of resources | Systems Development Charges (SDCs) may be assessed. |

Accessibility requirements

If the change of use or occupancy involves any remodeling, all new work must meet current accessibility requirements. In addition, state law requires that up to 25% of the value of the total construction costs be spent removing any existing architectural barriers to improve accessibility for disabled persons. Accessibility improvements must be prioritized in the following order: parking (if there is on-site parking), accessible route to the entry, accessible entry, and restroom improvements.

Seismic upgrade requirements

The City's seismic regulations arrange the building code occupancies into categories, based on relative hazard. The standard for improvements will depend on what the new use or occupancy will be, how much the occupant load will increase and what portion of the building will be changed. Refer to Portland City Code 24.85 for the specific rules. Find City Codes on our website: www.portland.gov/bds/codes-rules-and-guides.

Zoning code requirements

The zoning code spells out the allowed uses for a property. Building code use and occupancy classifications address the protection of the people using the building. Zoning use classifications focus on the intensity of the use of a property and its impact on surrounding properties.

The property's zone and the use of the property determine specific zoning code requirements. For example:

- In zones that have a parking requirement, a retail store usually must provide more parking spaces than a warehouse.
- Changing the use or occupancy of a commercial building to another type of commercial use or occupancy may require additional vehicle and bicycle parking.
- Changing a house or duplex to a commercial use usually requires improvements to pedestrian facilities and bicycle parking and can also require vehicle parking.

Examples of residential to commercial conversion include changing a house in a non-residential zone to an office use. This also includes changing a house or duplex in a non-residential zone to a short-term vacation rental.

In addition, in cases where the zoning code use classification is not changing, but the value of the work exceeds a pre-determined, annually adjusted amount, similar improvements to landscaping, bike parking, pedestrian facilities, and screening may be required. In some areas of the city, changes to the exterior of the building may need design review or historic resource review.

For information on any property where you want to change the use, please call Development Services' Planning and Zoning staff at 503-823-7526.

Systems Development Charges (SDCs)

In addition to building permit fees, the project may be subject to Systems Development Charges. These fees help offset the impact the project will have on the City's infrastructure of streets, water, storm and sanitary sewer systems and parks and recreation facilities. Depending on how much the business or project will impact infrastructure, these fees may be significant.

Contact the Bureaus of Environmental Services, Water, Transportation and Parks to determine what System Development Charges may apply to the project. Contact information and basic descriptions of SDCs are also available at www.portland.gov/bds/current-fee-schedules/systems-development-charges-sdcs.

Inspections required for change of use or occupancy permits

Inspections are required for a permit to change the use or occupancy, even if no work is required. This confirms the building meets all requirements for the new use or occupancy classification.

The permit expires if 180 days pass without an approved inspection. We may grant a permit extension. You must request permit extensions in writing and explain the reasonable cause for the delay. If we inspect and approve the job, you'll get a new Certificate of Occupancy for your records.

Questions and answers

Can you work out of your home without changing the use or occupancy?

- If your intention is to live in your home while operating a small business there, you may not need to get a building permit to change the use or occupancy. If you use your home as your place of work and either one employee does not live in the home, OR up to eight customers per day come to your home, you may get a Home Occupation permit. For more information, please read the Home Occupation Permits webpage: www.portland.gov/bds/home-occupation-permit.

How do you apply for a change of occupancy permit?

- Apply online using Development Hub PDX. If you need help, call us and our staff will guide you through the application process. You can also call the front desk to set up time to drop off paper plans on Fridays.

What should be included on the plans?

- Site plan – scaled drawings (1" = 10'0", 1/4" = 1'0" or 1/8" = 1'0") are required to show:
 - the size of the building and its location in relation to the property lines and streets
 - relative elevation dimensions to show grade changes on the lot
 - any other structures on the property, paved driveways and parking, and any landscaping
 - include a north arrow on the plan to show its orientation
- Floor plan – scaled drawings (1/4" = 1'0" or 1/8" = 1'0") are required for each level, including basements and storage attics. Floor plans must show:
 - the proposed use of each room and the overall room dimensions
 - window sizes and how the windows open
 - the size of exit doors, the direction of door swing, steps at doors, and any glass panels in doors
 - stairways, both inside and outside the building, and their landings
- Stair details – must show:
 - rise and run of all steps
 - location and height of handrails
 - headroom at the stairs

*Both handrail height and headroom are measured straight up from the nosing of the stair treads. This information may be provided with clear notes on the floor plans, or separate details.
- Cross section of the building must be provided except where information concerning ceiling heights, insulation, etc., can be shown elsewhere. In addition, the cross section must show the relationship between the grade outside and the interior floor levels.
- Building Code Summary of the existing structure, showing that it meets all criteria of new construction, and if there are any deficiencies, how these are being remedied, such as corrective construction or an approved building code appeal. See the Building Code Summary Worksheet (www.portland.gov/bds/documents/building-code-summary-worksheet) for information.
- Title 24.85 Seismic Trigger Analysis diagrams of the building showing the baseline occupant load and area summary in 2004 as compared to the current proposed occupant load and mix of uses. See Title 24 at www.portland.gov/bds/codes-rules-and-guides.



Do you need a licensed architect?

- A licensed architect must prepare the plans if:
 - the building is over 4,000 square feet; or
 - the overall lowest floor finish to the overall highest overhead finish is over 20 feet; or
 - alterations or repairs will be made that involve structural parts of the building; or
 - there are changes of occupancy; or
 - in circumstances where it is determined by the building official that the work is of a highly technical nature or there may be potential risk to life and/or safety of the structure.

You may find it valuable to hire an architect or a designer to help you with your plans whether or not an architect is required by law. It is important that your architect or designer is familiar with change of occupancy code requirements as well as your type of building and business.

What if you can't meet the code requirements?

- Building Code Appeals: The various construction code requirements that the Bureau of Development Services enforces may be appealed. When you submit an appeal, it must clearly show how your proposed alternative provides an equivalent level of fire, life safety, structural, energy conservation or accessibility before it can be approved. You should expect it to take approximately 10 days to learn the results of your administrative appeal. You can find more information about the appeal process online at www.portland.gov/bds/file-appeal.
- Land Use Reviews: The zoning code allows for a variety of reviews for a project that can't meet certain requirements of the zoning code. Land use reviews take longer than building code appeals since public notice is required. For more information on land use reviews, please visit our website at www.portland.gov/bds/land-use-review-fees-and-types/land-use-reviews-and-final-plat-applications or call 503-823-7526.



Free 15-minute appointment with a City planner

You can set up a free virtual 15-minute appointment (www.portland.gov/bds/early-assistance/15-minute-appointments) to talk about your project.



Small Business Empowerment Program

The Small Business Empowerment Program assists Black, Indigenous, people of color business owners and business owners with disabilities recognized by the ADA who have experienced barriers in the review process. Call 503-823-7300 for more information or visit our webpage: www.portland.gov/bds/smallbiz.

Schedule an inspection

- Call 503-823-7000, the BDS 24-hour inspection request line
- Enter your IVR or permit number
- Enter the three-digit inspection code for the type of inspection you are requesting
- Enter a phone number where you can be reached during weekdays and if you want the inspection in the morning or afternoon
- There must be an adult over age 18 to let the inspector in

Publications in the DSC & online

- Commercial Food Establishments
www.portland.gov/bds/small-business-permits/vending-carts-private-property
- Home Occupations
www.portland.gov/bds/home-occupation-permit
- Systems Development Charges (SDCs)
www.portland.gov/bds/current-fee-schedules/systems-development-charges-sdcs

Local Business Help & Networks

- APANO- Asian Pacific American Network of Oregon
971-340-4861
- Green Building Web site
www.energy.gov/energysaver/energy-saver
- Hacienda CDC/Portland Mercado: 971-280-3825
- IRCO- Immigrant and Refugee Community Organization
503-234-1541
- Livelihood NW: 503-990-8255
- Mercy Corps Northwest: 503-896-5070
- MESO- Micro Enterprise Services of Oregon: 503 841-3351
- NAYA- Native American Youth and Family Center
503-288-8177
- Portland License Bureau: 503-823-5157
- Portland Small Business Network: 971-722-5080
- Prosper Portland: Inclusive Business Resource Network
503-823-3200
- Venture Portland: 503-477-3648

Local Chambers of Commerce

- African American Chamber: 503-768-3966
- Black American Chamber: 503-564-8933
- East Portland Chamber: 503-788-8589
- Hispanic Metropolitan Chamber: 503-222-0280
- Oregon Native American Chamber: 503-894-4525
- Oregon Small Business Assistance: 503-986-2193
- Portland Business Alliance: 503-224-8684

For more detailed information regarding the bureau's hours of operation and available services:

**VISIT OUR WEBSITE:
WWW.PORTLAND.GOV/BDS**

Note: All information in this brochure is subject to change.

Traducción e interpretación | Chuyển Ngữ hoặc Phiên Dịch | 翻译或传译
Turjumida ama Fasiraadda | 翻訳または通訳 | Письменный или устный перевод
Traducere sau Interpretare | 번역 및 통역 | الترجمة التحريرية أو الشفوية |
ການແປພາສາ ຫຼື ການອະທິບາຍ | Письмовий або усний переклад



503-823-7300



BDS@PortlandOregon.gov



www.portland.gov/bds/brochures-forms/translated-brochures-forms

Contact Us

Bureau of Development Services
City of Portland, Oregon
1900 SW 4th Avenue, Portland, OR 97201
www.portland.gov/bds

Office Hours:

Monday through Friday, 8 a.m. to 5 p.m.
BDS main number: 503-823-7300

Permit Information is available at the following location:

- Development Services Center (First Floor)
For Hours Call 503-823-7310 or visit www.portland.gov/bds
- Permitting Services (Second Floor)
For Hours Call 503-823-7310 or visit www.portland.gov/bds

Important Telephone Numbers

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|--|--------------|
| BDS main number | 503-823-7300 |
| DSC automated information line | 503-823-7310 |
| Permit information for electrical, mechanical, plumbing, sewer and signs..... | 503-823-7363 |
| Building code information | 503-823-1456 |
| Site Development Services & Sanitation | 503-823-6892 |
| Zoning information | 503-823-7526 |
| Permitting process and fee information | 503-823-7357 |
| Permit resources and records | 503-823-7660 |
| Residential information for one and two family dwellings.... | 503-823-7388 |
| Systems development charges information | |
| Bureau of Environmental Services | 503-823-7761 |
| Bureau of Parks & Recreation | 503-823-5105 |
| Portland Water Bureau | 503-823-7368 |
| Portland Bureau of Transportation | 503-988-7002 |
| BDS 24-hour inspection request line (requires IVR number and three-digit inspection code) | 503-823-7000 |
| Small Business Liaison | 503-823-7542 |
| Portland Fire & Rescue | 503-823-3700 |
| Portland License Bureau..... | 503-823-5157 |
| Multnomah County Health Department..... | 503-988-3400 |
| Oregon Relay Service | 711 |

The City of Portland is committed to providing meaningful access. For accommodations, modifications, translation, interpretation, or other services, please call **503-823-7300** or the **Oregon Relay Service** at **711**.